

JUDGE COLE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA

SEALED
INDICTMENT

- v. -

07 Cr. ____

DISMARIS CASTRO,

Defendant.

07 CRIM.

452

- - - - -x

COUNT ONE

The Grand Jury charges:

1. From in or about 2005 through in or about March 2007, in the Southern District of New York and elsewhere, DISMARIS CASTRO, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DISMARIS CASTRO, the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 1 kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/22/07</p>

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, was committed in the Southern District of New York and elsewhere:

a. On or about January 17, 2007, in Brooklyn, New York, DISMARIS CASTRO, the defendant, possessed approximately 900 grams of heroin.

b. On or about March 7, 2007, in Bronx, New York, a co-conspirator not named as a defendant herein possessed approximately \$30,000 in connection with a heroin transaction.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, DISMARIS CASTRO, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

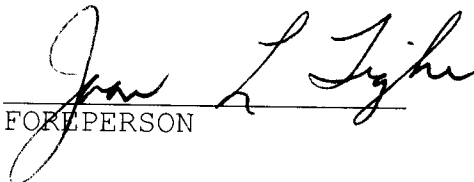
c. has been placed beyond the jurisdiction of the Court;

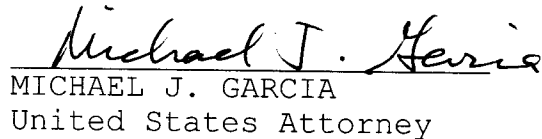
d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
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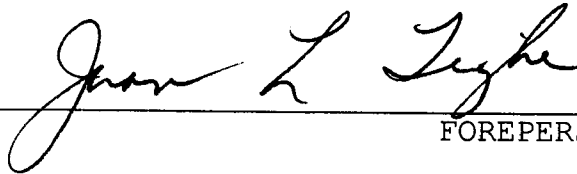
DISMARIS CASTRO,

Defendant.

INDICTMENT

07 Cr. ____

(Title 21, United States Code,
Section 846.)



FOREPERSON

MICHAEL J. GARCIA
United States Attorney.

5/22/07 Indictment filed under seal. A/w issued.

Fox, J.